

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LORETTA POWELL ROMAN,

Plaintiff,

- against -

RODERICK PALTON, *et al.*,

Defendant.
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ROSLYNN R. MAUSKOPF, Chief United States District Judge.

ORDER
17-CV-6320 (RRM) (CLP)

Plaintiff Loretta Powell Roman, proceeding *pro se*, filed this action alleging violations of Title VII of the Civil Rights Act (“Title VII”), 42 U.S.C. § 2000e *et seq.*, and the Age Discrimination in Employment Act (“ADEA”), 29 U.S.C. § 621 *et seq.* (Compl. (Doc. No. 1).) On April 20, 2020, the Court issued an order dismissing the complaint as to defendants Susan Cruz, Roderick Palton and Vivian Smith, who as individuals could not be held liable under Title VII or ADEA. (Mem. and Order (Doc. No. 5).) In that order, the Court noted that Roman’s pleadings would face “additional hurdles” and granted plaintiff leave to amend to address four problems. (*Id.* at 3–5.) First, an amended complaint would have to plead the liability of Roman’s employer, the New York City Department of Education. (*Id.*) Second, in order to state a claim under Title VII, Roman would have to plead facts “linking the adverse action against her to a protected status,” i.e., “race, color, religion, sex, or national origin.” (*Id.* at 4 (quoting 42 U.S.C. § 2000e-2).) Third, as with her claim under Title VII, Roman would need to “allege facts linking her employer’s discrimination against her to her age.” (*Id.* (citing 28 U.S.C. § 1915(e)(2)(B).) Finally, Roman would need to provide information to show that the complaint was filed within the 90-day window following receipt of the right-to-sue letter from the EEOC

required under both Title VII and ADEA. (*Id.* at 5.) To date, Roman has not filed an amended complaint.

As Roman has not filed an Amended Complaint and the time for her to do so has expired, this action is dismissed for failure to prosecute without prejudice. The Clerk of Court is respectfully directed to mail a copy of this Order to the *pro se* plaintiff and to close this case. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: Brooklyn, New York
July 2, 2020

Roslynn R. Mauskopf

ROSLYNN R. MAUSKOPF
Chief United States District Judge